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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,983	02/11/2002	John F. Conroy		4610

7590 08/25/2004
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EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040820

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Commissioner for Patents

The reply brief submitted July 1, 2004 has been entered, noted and sent to the Board of Appeals.

Janet M. Wilkens
JANET M. WILKENS
PRIMARY EXAMINER
A+U #3637



See

AF/3637
123

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John F. Conroy
Serial No. : 10/068,983
Filed : February 11, 2002
Title : RECESSED BOTTLE STORAGE

Art Unit : 3637
Examiner : Janet M. Wilkins

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GROUP 3600

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 C.F.R. § 1.193(b)(1), Applicant responds to the new points raised in the Examiner's Answer mailed May 4, 2004 as follows.

At page 4, line 3-4: The Examiner's Answer contends "that a rack is simply a unit in which to store articles." Applicant respectfully disagrees. Submitted herewith is a copy of page 962 of the 10th Edition of Merriam Webster's Collegiate Dictionary (1996, Springfield, Massachusetts, U.S.A.) that defines a rack as "a framework, stand, or grating..." Coglin's cabinets fail to meet this, or any other definition on the record, of a rack, much less a "wine rack" or a "bottle rack" as claimed. It is therefore submitted that the claimed wine racks and bottle racks possess distinct features that are neither described nor suggested by Coglin's cabinets.

At page 4, line 6: The Examiner's Answer contends that Applicant's claim is somehow deficient for failing to positively claim the bottle itself. Applicant respectfully disagrees. Instead, Applicant respectfully submits that he is entitled to claims as broad as the prior art (and his disclosure) will allow. *In re Rasmussen*, 650 F.2d 1212, 1214 (Cust. & Pat. App. 1981). Since the claims as presented are neither anticipated nor obvious in light of the art of record, there is no deficiency for failure to positively claim a bottle.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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John F. Conroy

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8/20/04